

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

APPLICANTS: Michael C. Stewart, et al.

APPLICATION NO.: 10/602,490

FILING DATE: June 23, 2003

TITLE: Apparatus and Method for Integrated Vessel Ligator and Transector

EXAMINER: Vi X. Nguyen

GROUP ART UNIT: 3731

ATTY. DKT. NO.: 80121-07311

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

STATUS REQUEST

Sir:

Please advise the undersigned attorney of record regarding the status of the subject application following the filing on December 12, 2006 of a Petition to Revive and Response to Specie Election Requirement, together with a check for \$1,500 in payment of the petition fee. True copies of the documents as filed (and stamped received by the Patent Office) are attached hereto, marked as Exhibit A.

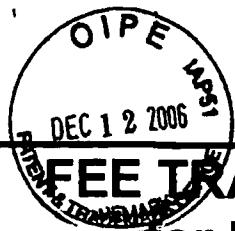
Favorable action on the petition and early report of prospective examination
data are solicited.

Respectfully submitted,
Michael C. Stewart, et al.

Dated: 5/31/07

By: A.C. Smith

Albert C. Smith, Reg. No.: 20,355
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (650) 335-7296
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FEES TRANSMITTAL for FY 2006

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$1,500.00)

Complete if Known	
Application Number	10/602,490
Filing Date	June 23, 2003
First Named Inventor	Michael C. Stewart
Examiner Name	VI X. Nguyen
Art Unit	3731
Attorney Docket No.	80121-07311

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None
 Deposit Account:

Deposit Account Number **19-2555**

Deposit Account Name **Fenwick & West LLP**

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
SUBTOTAL (1)	(\$)		

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims	Fee from below	Fee Paid	
Total Claims	-20** =	X	=
Independent Claims	-3** =	X	=
Multiple Dependent			
Large Entity	Small Entity	Fee Description	
Fee Code (\$)	Fee Code (\$)		
1202 50	2202 25	Claims in excess of 20	
1201 200	2201 100	Independent claims in excess of 3	
1203 360	2203 180	Multiple dependent claim, if not paid	
1204 200	2204 100	*Reissue independent claims over original patent	
1205 50	2205 25	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)	(\$)		

*or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

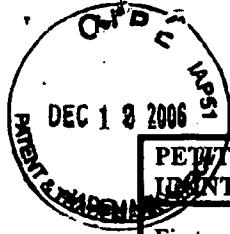
Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051	130	Surcharge - late filing fee or oath or declaration	
1052	50	Surcharge - late provisional filing fee or cover sheet	
1053	130	Non-English specification	
1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	Extension for reply within first month	
1252	450	Extension for reply within second month	
1253	1020	Extension for reply within third month	
1254	1,590	Extension for reply within fourth month	
1255	2,160	Extension for reply within fifth month	
1401	500	Notice of Appeal	
1402	500	Filing a brief in support of an appeal	
1403	1000	Request for oral hearing	
1451	1,510	Petition to institute a public use proceeding	
1452	500	Petition to revive - unavoidable	
1453	1,500	Petition to revive - unintentional	1,500
1501	1,400	Utility issue fee (or reissue)	
1502	800	Design issue fee	
1503	1100	Plant issue fee	
1460	—	Petitions to the Director	
1807	50	Processing fee for Provisional Applications	
1806	180	Submission of Information Disclosure Stmt	
8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	Request for Continued Examination (RCE)	
1802	900	Request for expedited examination of a design application	
Other fee (specify) _____			
SUBTOTAL (3)	(\$)	1,500.00	

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

Name (Print/Type)	Albert C. Smith	Registration No. (Attorney/Agent)	20,355	Complete (if applicable)
Signature	<i>A. C. Smith</i>			Date
				<i>12/7/05</i>

Exhibit A



DAE
ZMW

DEC 18 2006

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
INTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)
80121-07311

First named inventor: Michael C. Stewart

Application No.: 10/602,490

Group Art Unit: 3731

Filed: June 23, 2002

Examiner: Vi X. Nguyen

Title: Apparatus and Method for Integrated Vessel Ligator and Transector

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition fee

Small entity - fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
 Other than small entity - fee \$ 1,500 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of
Response to Specie Election Requirement (identify type of reply):

has been filed previously on _____
 is enclosed herewith.

B. The issue fee of \$ _____
 has been filed previously on _____
 is enclosed herewith.

Page 1 of 2

12/13/2006 ACONDAF1 00000047 10602490

01 FC:1453

1500.00 OP

80121/07311/DOCS/1678479.1

Exhibit A

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995 no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$____ for a small entity or \$____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

12/7/06

Date

A. C. Smith

Signature

Telephone

Number: (650) 335-7296

Albert C. Smith, Reg. No. 20,355

Fenwick & West LLP
801 California Street
Mountain View, CA 94040

Enclosures: Fee Payment

Reply

Terminal Disclaimer Form

Small Entity Status Form

Response to Specie Election Requirement

CERTIFICATE OF MAILING [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

12/7/06

Date

A. C. Smith

Signature

Albert C. Smith



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

APPLICANTS: Michael C. Stewart, et al.

APPLICATION NO.: 10/602,490

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TITLE: Apparatus and Method for Integrated Vessel Ligator and Transector

EXAMINER: Vi X. Nguyen

GROUP ART UNIT: 3731

ATTY. DKT. NO.: 80121-07311

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature:

A-C. Smith

Typed or Printed Name:

Albert C. Smith, Reg. No. 20,355

Dated:

12/7/06

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

RESPONSE TO SPECIE ELECTION REQUIREMENT

Sir:

The following Remarks are in response to the official action dated May 4, 2006 received in the patent application identified above.

Exhibit A

80121-07311/DOCS/1678468.1

REMARKS

An election has been required under 35 U.S.C. § 121 among the patentably distinct species of the claimed invention, including:

- Specie 1 illustrated in figures 1, 2a-c, 3a-c, 4;
- Specie 2 illustrated in figures 2d;
- Specie 3 illustrated in figures 5a, b;
- Specie 4 illustrated in figures 5c, d;
- Specie 5 illustrated in figures 53-g;
- Specie 6 illustrated in figure 6; and,
- Specie 7 illustrated in figures 7-9.

Applicants hereby elect, without traverse, to prosecute in this application the Specie 1, for example, as illustrated in figures 1, 2a-c, 3a-c, 4 and list as readable thereon the claims 1-13, 29 and 30.

Applicants are retaining the remaining claims in this application, unexamined, pending allowance of a generic or linking claim.

Favorable action is solicited.

Respectfully submitted,
Michael C. Stewart, et al.

Dated: 12/7/06

By: A-C. Smith
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Exhibit A

80121/07311/DOCS/1678468.1